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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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KINAYA HEWLETT, on behalf of
herself and all others
similarly situated,

Plaintiff,

v.

CONSOLIDATED WORLD TRAVEL,
INC. d/b/a HOLIDAY CRUISE
LINE,

Defendant.

Civ. No. 2:16-713 WBS AC

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STATUS (PRETRIAL SCHEDULING) ORDER

A hearing was held on defendant's motion to dismiss on August 22, 2016. (Docket Nos. 17, 30.) Annick Persinger appeared as counsel for plaintiff, and Roy Taub appeared as counsel for defendant. Following the hearing and having denied defendant's motion to dismiss, the court hereby enters this Status (Pretrial Scheduling) Order:

I. SERVICE OF PROCESS

The named defendant has been served, and no further

1 service is permitted without leave of court, good cause having
2 been shown under Federal Rule of Civil Procedure 16(b).

3 II. JOINDER OF PARTIES/AMENDMENTS

4 Plaintiff may file an amended complaint to add
5 additional defendants by no later than October 21, 2016.
6 Thereafter, no further joinder of parties or amendments to
7 pleadings will be permitted except with leave of court, good
8 cause having been shown under Federal Rule of Civil Procedure
9 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
10 (9th Cir. 1992).

11 III. JURISDICTION/VENUE

12 Jurisdiction is predicated upon federal question
13 jurisdiction, 28 U.S.C. § 1331, because plaintiff brings this
14 action under the Telephone Consumer Protection Act, 47 U.S.C.
15 § 227 et seq. Venue is undisputed and is hereby found to be
16 proper.

17 IV. DISCOVERY

18 The parties shall serve the initial disclosures
19 required by Federal Rule of Civil Procedure 26(a)(1) by no later
20 than September 21, 2016.

21 The parties shall disclose experts and produce reports
22 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
23 later than July 31, 2017. With regard to expert testimony
24 intended solely for rebuttal, those experts shall be disclosed
25 and reports produced in accordance with Federal Rule of Civil
26 Procedure 26(a)(2) no later than September 12, 2017.

27 All discovery, including depositions for preservation
28 of testimony, is left open, save and except that it shall be so

1 conducted as to be completed by October 16, 2017. The word
2 "completed" means that all discovery shall have been conducted so
3 that all depositions have been taken and any disputes relevant to
4 discovery shall have been resolved by appropriate order if
5 necessary and, where discovery has been ordered, the order has
6 been obeyed. All motions to compel discovery must be noticed on
7 the Magistrate Judge's calendar in accordance with the Local
8 Rules of this court and so that such motions may be heard (and
9 any resulting orders obeyed) not later than October 16, 2017.

10 V. MOTION HEARING SCHEDULE

11 Plaintiff's motion for class certification shall be
12 filed on or before March 28, 2017. Defendant shall file an
13 opposition to plaintiff's motion on or before May 2, 2017, and
14 plaintiff shall file a reply on or before May 23, 2017.
15 Plaintiff's motion shall be noticed for a hearing date of May 30,
16 2017.

17 All other motions, except motions for continuances,
18 temporary restraining orders, or other emergency applications,
19 shall be filed on or before November 7, 2017. Those motions
20 shall be noticed for the next available hearing date. Counsel
21 are cautioned to refer to the Local Rules regarding the
22 requirements for noticing and opposing such motions on the
23 court's regularly scheduled law and motion calendar.

24 VI. FINAL PRETRIAL CONFERENCE

25 The Final Pretrial Conference is set for January 2,
26 2018 at 1:30 p.m. in Courtroom No. 5. The conference shall be
27 attended by at least one of the attorneys who will conduct the
28 trial for each of the parties and by any unrepresented parties.

1 Counsel for all parties are to be fully prepared for
2 trial at the time of the Pretrial Conference, with no matters
3 remaining to be accomplished except production of witnesses for
4 oral testimony. Counsel shall file separate pretrial statements,
5 and are referred to Local Rules 281 and 282 relating to the
6 contents of and time for filing those statements. In addition to
7 those subjects listed in Local Rule 281(b), the parties are to
8 provide the court with: (1) a plain, concise statement which
9 identifies every non-discovery motion which has been made to the
10 court, and its resolution; (2) a list of the remaining claims as
11 against each defendant; and (3) the estimated number of trial
12 days.

13 In providing the plain, concise statements of
14 undisputed facts and disputed factual issues contemplated by
15 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
16 that remain at issue, and any remaining affirmatively pled
17 defenses thereto. If the case is to be tried to a jury, the
18 parties shall also prepare a succinct statement of the case,
19 which is appropriate for the court to read to the jury.

20 VII. TRIAL SETTING

21 The jury trial is set for February 6, 2018 at 9:00 a.m.
22 in Courtroom No. 5. The parties estimate that the jury trial
23 will last one week.

24 VIII. SETTLEMENT CONFERENCE


25 A Settlement Conference will be set at the time of the
26 Pretrial Conference. All parties should be prepared to advise
27 the court whether they will stipulate to the trial judge acting
28 as settlement judge and waive disqualification by virtue thereof.

1 Counsel are instructed to have a principal with full
2 settlement authority present at the Settlement Conference or to
3 be fully authorized to settle the matter on any terms. At least
4 seven calendar days before the Settlement Conference, counsel for
5 each party shall submit a confidential Settlement Conference
6 Statement for review by the settlement judge. If the settlement
7 judge is not the trial judge, the Settlement Conference
8 Statements shall not be filed and will not otherwise be disclosed
9 to the trial judge.

10 IX. MODIFICATIONS TO SCHEDULING ORDER

11 Any requests to modify the dates or terms of this
12 Scheduling Order, except requests to change the date of the
13 trial, may be heard and decided by the assigned Magistrate Judge.
14 All requests to change the trial date shall be heard and decided
15 only by the undersigned judge.

16 Dated: August 23, 2016

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18 WILLIAM B. SHUBB
19 UNITED STATES DISTRICT JUDGE
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